REMARKS

Reconsideration of the above-identified application in view of the amendment above and the remarks below is respectfully requested.

Claims 10-16 have been canceled without prejudice or disclaimer of the subject matter thereof. Claims 1, 3 and 7-9 have been amended in this paper. New claims 17-19 have been added in this paper. Therefore, claims 1-9 and 17-19 are pending and are under active consideration.

The disclosure stands objected to "because of the following informalities: In the specification on page 5 lines 28 and 29 'This object...20.' should be deleted."

In response to the above, Applicant has deleted the language in question from the specification. Accordingly, the objection has been overcome and should be withdrawn.

Claims 1-9 stand rejected under 35 U.S.C. 112, second paragraph, "as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention." In support of the rejection, the Patent Office states the following:

> In claims 1-9 "in particular", "treated", "particularly preferred", and "preferably" are vague and indefinite because it is unclear how these terms further limit the claims. In claim 1 "the noble metal surface" lacks clear antecedent basis.

Insofar as the subject rejection is predicated on the recitation of the terms "in particular," "particularly preferred," and "preferably" in certain claims, Applicant has deleted these terms from the claims; therefore, these bases for the rejection have been rendered moot. Insofar as the subject rejection is predicated on the recitation of the term "treated" in certain claims, Applicant has amended these claims to clarify that the treatment involves treating "with" the aqueous salt solution, as opposed to treating "in" the aqueous salt solution. Applicant respectfully submits that, in view of

this change, the language of the claim would have been understandable at the time of the invention to a person of ordinary skill in the art who had read the present specification.

Accordingly, for at least the above reasons, the subject rejection should be withdrawn.

Claims 1-9 stand rejected under 35 U.S.C. 102(b) "as being anticipated by Goetz 2,344,548." In support of the rejection, the Patent Office states the following:

> It is submitted that Goetz appear to disclose (see pages 4-6 and Fig. 3) the process steps recited in the instant claims. With regard to claim 8, it is submitted that the treatment of water in sterilizing vessel 29 would appear to quench the base material.

Applicant respectfully traverses the subject rejection. The present invention is directed at a process for producing a sterilization system. This process involves two steps: first oxidizing a noble metal surface in an acidic solution and then treating the oxidized noble metal surface with an aqueous salt solution. By virtue of this two-step process, slightly soluble noble metal salts or mixtures thereof are formed directly on a noble metal surface without interfaces (i.e., phase boundaries) between the noble metal and the noble metal salt. Because there are no phase boundaries, the transport of the noble metal to the surface is not inhibited or hindered; consequently, "fresh noble metals" may be supplied continuously to the surface without kinetic inhibition or hindrance by phase boundaries. Therefore, the sterilization system of the present invention does not need cleaning or activation and is maintenance-free.

Claim 1, which has been amended in this paper, reflects the above-described two-step process for producing a sterilization system by reciting "[a] process for producing a sterilization system, characterized in that a noble metal surface of a base material comprising noble metal is first oxidized in an acidic solution and then treated with an aqueous salt solution."

Claim 1 is neither anticipated by nor rendered obvious over Goetz for at least the reason that Goetz does not teach or suggest the claimed two-step process. In particular, Goetz fails to teach or to suggest the second step of treating the oxidized noble metal surface with an aqueous salt solution.

Instead, Goetz discloses, for example, in the embodiment of Fig. 3, a process in which three liquid containers are provided. The first container is for the activation of silver, the second container is for the use of the activated silver in sterilizing the desired liquid, and the third container is for cleaning any inactivating deposits that formed on the silver as a result of the use of the silver in sterilizing the liquid. Consequently, according to Goetz, there is disclosed a process for producing a "sterilization system" that involves a one-step process, namely, activating silver in the first container (container 28). It is clear from Goetz that its process for producing a "sterilization system" consists only of this one step because, directly after this one step, the activated silver is used for sterilization in the second container (container 29). Goetz lacks a teaching or suggestion of a second step in its process for producing a sterilization system wherein the oxidized noble metal surface is treated with an aqueous salt solution.

In addition, Applicant notes that, in Goetz, on page 6, left column, line 71 through right column, line 2, Goetz discloses that "dilute sulphuric acid or *potassium hydroxide*, for example, may be employed in the silver activating tank 28, which will function as an electrolyte and yield anions of oxygen to be adsorbed by the silver surfaces of the carrier and thereby render those surfaces oligodynamically active." (Emphasis added.) Applicant submits that, in the case of potassium hydroxide, there is not even a teaching to oxidize the base material in an acidic solution.

Furthermore, Goetz does not teach the subsequent treatment of the noble metal surface with an aqueous salt solution after oxidation in an acidic solution.

As is apparent from the above, the process of Goetz always requires a step of cleaning the surface of any inactivation deposits after the sterilization step. By contrast, the process of the present invention does not need re-activation and is maintenance-free.

Accordingly, for at least the above reasons, the subject rejection should be withdrawn.

New claims 17-19 have been added in this paper. Claims 17-19 recite features previously recited in claims 3, 7 and 9, respectively, and do not recite new matter. Claims 17-19 depend ultimately from claim 1 and are patentable for at least the same reasons as claim 1.

In conclusion, it is respectfully submitted that the present application is now in condition for allowance. Prompt and favorable action is earnestly solicited.

If there are any fees due in connection with the filing of this paper that are not accounted for, the Examiner is authorized to charge the fees to our Deposit Account No. 11-1755. If a fee is

required for an extension of time under 37 C.F.R. 1.136 that is not accounted for already, such an extension of time is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA D.C. 22313-1450 on July 23, 2007

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